

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Brian Dalton; New England Firearms Academy,
Inc.; John Troisi; Big Jack's Auto Service and
Towing, on behalf of themselves and a
class of similarly situated persons,

Plaintiffs,

v.

Yvonne Hao, in her official capacity as Secretary of
the Executive Office of Economic
Development; Massachusetts Growth
Capital Corporation; and Lawrence D. Andrew,
in his official capacity as President and CEO
of Massachusetts Growth Capital Corporation,

Defendants.

No.: 1:23-cv-11216-WGY

**MOTION BY THE BLACK ECONOMIC COUNCIL OF MASSACHUSETTS AND
AMPLIFY LATINX FOR
JUSTICE FOR LEAVE TO INTERVENE**

Pursuant to Rule 24(a) of the Federal Rules of Civil Procedure, the Black Economic Council of Massachusetts and Amplify Latinx (the "Proposed Intervenors") respectfully request leave to intervene as defendants in the above-captioned action. In the alternative, Proposed Intervenors respectfully request that this Court exercise its discretion under Federal Rule of Civil Procedure 24(b) to grant them leave to intervene. In support of this Motion, the Proposed Intervenors submit the accompanying Memorandum of Law.

As detailed more fully in that Memorandum, the Proposed Intervenors respectfully request to intervene for the following reasons: (1) the request is timely because the case is in its early stages and Proposed Intervenors have moved swiftly; (2) the Proposed Intervenors have direct and important interests at stake in the litigation; (3) those interests would be adversely affected by a

disposition in Plaintiffs' favor; and (4) the Defendants cannot adequately protect those interests as Defendants' goals and those of Proposed Intervenor differ in kind and degree. Accordingly, the Proposed Intervenor respectfully request that the Court grant their request to intervene in this matter.

The Proposed Intervenor also respectfully request that the Court waive Federal Rule of Civil Procedure 24(c), requiring that the Proposed Intervenor serve an answer, or other pleading, concurrently with this Motion. *See, e.g., Boston Parent Coalition for Academic Excellence Corp. v. School Committee of City of Boston*, 1:21-cv-10330-WGY, ECF No. 27 (D. Mass. 2021) (granting such relief); *American Waterways Operator v. United States Coast Guard*, 1:18-cv-12070-DJC, ECF No. 51, (D. Mass. July 10, 2019) (same); *see also Windsor v. United States*, 797 F. Supp. 2d 320, 325-26 (S.D.N.Y. 2011); *Peaje Invs. LLC v. García-Padilla*, 845 F.3d 505, 516 n.7 (1st Cir. 2017). If the Court allows this Motion but does not waive other requirements of Rule 24(c), the Proposed Intervenor respectfully request an opportunity to file an answer, or other responsive pleading, to the Complaint within five business days of the allowance of this Motion.

WHEREFORE, the Proposed Intervenor respectfully request that this Court: grant their Motion and permit the Proposed Intervenor to intervene as defendants pursuant to Rule 24(a) or, in the alternative, Rule 24(b); and waive the requirements of Rule 24(c).

Dated: July 25, 2023

Respectfully submitted,

/s/ Tasheena M. Davis

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CERTIFICATION OF SERVICE

I hereby certify that, on July 25, 2023, a copy of the foregoing document was filed electronically. Notice of this filing will be sent by email to all parties by operation of this Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF system.

Dated: July 25, 2023

/s/ Tasheena M. Davis

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